REMARKS

Claims 29-36 are amended to address informalities and with subject matter found in the Specification. No new matter is added.

Claims 29-36 are pending. In view of the above amendments and following remarks, Applicants respectfully request reconsideration of the application for allowance.

Rejection under 35 U.S.C. § 112

The Office Action rejects claims 29-36 under 35 §112, 2nd paragraph as being indefinite. Applicant has amended the rejected claims to obviate this rejection, specifically the punctuation and grammar, as well as clarifying the reference information confusion. Accordingly, the withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102 (e)

The Examiner rejected claims 29-36 under 35 U.S.C. 102 (e) over Shadmon et al. (U.S. Patent No. 6,804,677). This rejection is respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant's currently claimed subject matter defines the structured data as having a tree structure. Specifically, the structured data includes at least one node, each having at least one node located one level lower and at least one node, each having no lower node, where the position order of the at least one lower-node is determined. By employing the structured data as defined above, one can specify any position to which fragment data should connect by referring to information specifying a node in the structured data and to information specifying a connection position of the corresponding fragment data in relation to the specified node.

Claim 29 summarizes that the information specifying the connection position of the corresponding fragment data is information specifying a position immediately before the specified node or information specifying the last position at a level one level lower than the specified node. If the information specifying the connection position of the corresponding fragment data is the information specifying the position immediately before the specified node, then the structured data is updated up by connecting the highest node of the corresponding fragment data to a position immediately before the specified node at the same level as the specified node. If the information specifying the connection position of the corresponding fragment data is the information specifying the last position at the level one level lower than the specified node, then the structured data is updated by connecting the highest node of the corresponding fragment data to a position after the last node among the at least one lower-node of the specified node when the specified node has the at least one lower-node and connecting the highest node as a first lower-node of the specified node when the specified node has no lower node.

Accordingly, only the following two alternatives are prepared for adding a fragment data to any node-position of a structured data:

(1) If the information specifying the connection position of the corresponding fragment data is the information specifying the position immediately before the specified node, the highest node of the corresponding fragment data is connected to a position immediately before the specified node as a child node of a parent node of the specified node, namely as a sibling node of the specified node.

(2) On the other hand, if the information specifying the connection position of the corresponding fragment data is the information specifying the last position at the level one level lower than the specified node, the highest node of the corresponding fragment data is connected to a position after the last node among child nodes of the specified node when the specified node has the child nodes and the highest node is connected as the first child node of the specified node when the specified node has no child node.

Thus, if wishing to connect a fragment data to a position, except the position next to the last one of child nodes of a parent node, a node immediately after a position in which a fragment data is to be connected is qualified as a specified node and the position in which the fragment

data is to be connected is immediately before the specified node, and if wishing to connect a fragment data to the position next to the last one of child nodes of a parent node or connect the fragment data as the first child node of a parent node, the parent node is qualified as a specified node and the position in which the fragment data is to be connected is the last at a level one level lower than the specified node.

The above-mentioned way(s) of generating a structured data by connecting a plurality of fragment data is explained in detail in the specification, page 16, line 11 – page 18, line 5 with accompanying references to the drawings.

In view of the above, it is apparent that Shadmon et al. does not disclose or teach any aspect that anticipates the subject matter of Applicant's independent claim 29. Rather, Shadmon et al. is completely silent with regard to these features.

Similarly, claim 30 is also distinguishable for having the subject matter of claim 29 as well as including the feature of information on a name (for example, element name as shown in FIG.5) of the highest node of the corresponding fragment data.

Claim 31 also includes the feature of information on content (for example, element type as shown in FIG.5) of the corresponding fragment data.

Claim 32 includes both features of information on the name of the highest node of the corresponding fragment data and information on the content of the corresponding fragment data.

Claim 33 includes the feature of first and second concatenation processing information (supported by FIGS.2 and 20 and descriptions corresponding thereto).

Claim 34 includes the feature of information on a name of the highest node of the corresponding fragment data.

Claim 35 includes the feature of information on the content of the corresponding fragment data.

Claim 36 includes both features of information on the name of the highest node of the corresponding fragment data and information on the content of the corresponding fragment data.

Accordingly, Applicant respectfully submits that all of the pending claims are distinguishable over Shadmon et al. Therefore, for at least the above reasons, Applicant respectfully requests the withdrawal of this rejection.
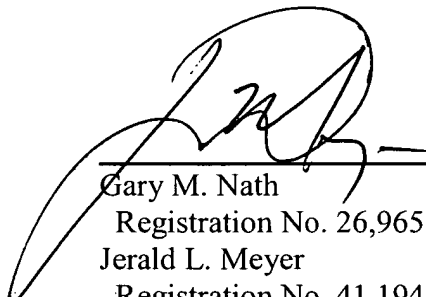
CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully request that the Examiner call the undersigned attorney.

Respectfully submitted,
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